IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 17358-M of 2007

DATE OF DECISION : 20.03.2007

Buta Singh and others

.... PETITIONERS

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Chanakya Pandit, Advocate,
for the petitioners.

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of challan submitted by the police against them under Sections 148, 149, 323, 506, 195, 120-B IPC and Section 27, 54, 59 of the Arms Act, in FIR No. 19 dated 21.1.2006, registered at Police station Gharaunda, District Karnal.

I have heard counsel for the petitioners.

In this case, initially, on the statement of Som Dutt son of Duli Chand (petitioner No.10), the aforesaid FIR No. 19 dated 21.1.2006 was registered under Sections 307, 323, 447, 427, 506, 148, 149 IPC at Police Station Gharaunda. During the course of investigation, the investigating agency found that actually, the complainant side caused injuries to the persons named as accused in the FIR and on the false version and concocted facts and self suffered injuries, the aforesaid FIR was got registered. During investigation, the incriminating evidence was collected by the investigating agency against the petitioners, according to which petitioners Som Dutt, Rajbir alias Billu, Gian Chand, Dharam Pal, Buta Singh in collusion with each other got Som Dutt injured with a gun shot injury from the licensed gun of Buta Singh, the injury having been caused with friendly hands near

Kapro Dera in a jungle during night time. It was further found that injury on the person of Som Dutt was managed, fabricated so as to foist a false case under Section 307 IPC against the persons named in the FIR. Subsequently, after obtaining permission from the Ilaqa Magistrate, Som Dutt and other petitioners were arrested and material evidence was collected. Even Som Dutt suffered a disclosure statement that he had suffered an injury at the hands of Buta with friendly hands so as to falsely implicate Mahipal etc. The other petitioners were also arrested and incriminating material was collected during the investigation. From the said material, the investigating agency came to the conclusion that Mahipal and Sumer etc. were falsely implicated in case under Section 307 IPC. Actually, they caused injuries to the other side. On the basis of the said investigation, the aforesaid challan under Sections 148, 149, 323, 506, 195, 120-B IPC and Section 27, 54, 59 of the Arms Act has been filed against the petitioners.

Counsel for the petitioners contends that from the reading of the challan, no offence under Section 195 IPC is made out against the petitioners. However, counsel does not submit any thing regarding the other allegations levelled against the petitioners and the material collected during investigation.

After hearing counsel for the petitioners and going through the challan, submitted by the police, at this stage, I do not find any ground to quash the challan filed by the police against the petitioners.

Dismissed.

However, as far as the question as to whether offence under Section 195 IPC is made out or not against the petitioners, it will be open for the petitioners to argue this point at the time of framing of charge.

March 20, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**